

**AMENDMENT**

**IN THE CLAIMS**

Please amend the claims as indicated in Appendix A submitted herewith according to the revision to 37 C.F.R. § 1.121 concerning a manner for making claim amendments.

**REMARKS**

Claims 1-11 are presently pending in the captioned application with claim 8 being amended.

The Examiner allowed claims 1-7 and 9-11. That indication is acknowledged with appreciation. The remaining claim 8 is also indicated as being allowable is rewritten to overcome a rejection under § 112, ¶ 1. Applicants have now amended claim 8 to overcome the rejection and request withdrawal and allowance of the claim.

In particular, claim 8 has been amended to limit the substituted groups in  $R_1$  to  $R_7$  to a halogen, an alkyl group and an alkoxy group. Support for the amendment can be found in the specification at page 10, lines 19-35 and at page 11, line 35 to page 12, line 17.

No new matter within the meaning of § 132 has been added by any of the amendments.

Regarding the objection to the Abstract, Applicants note that

the Abstract is in fact on a single sheet on page 56 of the specification. Therefore, Applicants traverse and request withdrawal of the objection.

Applicants also submit an Information Disclosure Statement citing JP (Kokai) 53519/2000 as requested by the Examiner. The appropriate fee is enclosed via check.

Accordingly, Applicants respectfully request the Examiner to enter the indicated amendments of Appendix A, withdraw the outstanding rejections in view of the arguments and amendments and allow all presently pending claims.

**1. Rejection of Claim 8**  
**under 35 U.S.C. § 112, ¶ 1**

The Office Action rejects claim 8 under 35 U.S.C. § 112, ¶ 1.

The Office Action states:

The claim 8 is not commensurate in scope with an enabling disclosure until the named groups for "substituted" for R<sub>1-7</sub> in claim 8 as described in the instant specification, are recited in the claims for "substituted". If there are no examples for "substituted", in the instant specification, "substituted" must be cancelled because the specification is not enabling for the skilled artisan to practice the invention. It would require undue experimentation to determine all of the groups which are encompassed by "substituted" and how to attach these groups to the claimed compound.

Applicants respectfully traverse this rejection because one of ordinary skill in the art would know what particular groups are encompassed by the term "substituted" and would know how they are manufactured without undue experimentation. However, in the interest of advancing prosecution, Applicants have amended claim 8 without disclaimer as to the unclaimed groups to recite an unsubstituted aryl group or a substituted aryl group substituted by at least one group selected from the group consisting of a halogen atom, an alkyl group and an alkoxy group.

The first paragraph of 35 U.S.C. § 112 requires that the "specification shall contain a written description of the invention . . ." To satisfy the requirement, the specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. Vas-Cath, Inc. v. Mahurkar, 935 F.2d 1550, 1563, 19 USPQ2d 1111, 1116 (Fed. Cir. 1991). Moreover, a description as filed is presumed to be adequate, unless the examiner presents sufficient evidence or reasoning to rebut the presumption. See e.g., In re Marzocchi, 439 F.2d 220, 224, 169 USPQ 367, 370 (CCPA 1971).

In the present application, claim 8 has been amended to recite that each of R<sub>1</sub>, R<sub>2</sub>, R<sub>3</sub>, R<sub>4</sub> and R<sub>5</sub> is any one of the groups selected from the group consisting of a hydrogen atom, a halogen

atom, an alkyl group, an alkoxy group, an alkylthio group, and an unsubstituted aryl group or a substituted aryl group substituted by at least one group selected from the group consisting of a halogen atom, an alkyl group and an alkoxy group, and each of R<sub>6</sub> and R<sub>7</sub> is any one of the groups selected from the group consisting of a substituted alkyl group or a substituted alkyl group substituted by at least one group selected from the group consisting of a halogen atom, an alkyl group and an alkoxy group, a substituted alkenyl group or a substituted alkenyl group substituted by at least one group selected from the group consisting of a halogen atom, an alkyl group and an alkoxy group, and an unsubstituted aryl group or a substituted aryl group substituted by at least one group selected from the group consisting of a halogen atom, an alkyl group and an alkoxy group.

The specification supports that R<sub>1</sub> to R<sub>5</sub>, R<sub>6</sub>, and R<sub>7</sub> may not be substituted or **may** be substituted by at least one group selected from the group consisting of a halogen atom, an alkyl group and an alkoxy group wherein a particularly preferred aryl group may be a phenyl group, a tolyl group, a xylyl group, a naphthyl group, a methoxyphenyl group or a dichlorophenyl group. See specification at page 11, line 35 to page 12, line 17.

All the groups of amended claim 8 are clearly supported by the specification and satisfy the written description requirement as to

the particular groups of the claim.


Accordingly Applicants respectfully submit that the presently claimed invention is supported and respectfully request reconsideration and withdrawal of the rejections of the claims.

### CONCLUSION

In light of the foregoing, Applicants submit that the application is now in condition for allowance. The Examiner is therefore respectfully requested to reconsider and withdraw the rejection of the pending claims and allow the pending claims. Favorable action with an early allowance of the claims pending is earnestly solicited.

Respectfully submitted,

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